

**WARRANT
TOWN OF SEEKONK
ANNUAL TOWN MEETING
June 15, 2015**

BRISTOL, SS.

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby requested to notify the inhabitants of the Town who are qualified to vote in Town affairs, to meet at Seekonk High School, 261 Arcade Avenue, Seekonk, Massachusetts on:

Monday, June 15, 2015 at 7:00 p.m.

to vote on the following Articles. The Meeting was called to order by the Town Clerk at 7:00 PM with a quorum of 225 registered voters. Due to the absence of the moderator, an election was held and David Parker was elected to be temporary moderator. The meeting was turned over to the moderator after the election.

A motion was made that the following non-residents be allowed to address the meeting:

Shawn Cadime, Town Administrator, Peter Fuller, Library Director, Theodora Gabriel, Town Assessor, Bruce Alexander, Director of Finance, Bernadette Huck, Director of Human Services, Beth Hallal, Health Agent, Christine DeFontes, Treasurer/Collector, John Aubin III, Town Planner, Robert Lamoureux, DPW Superintendent, Arlene Bosco, School Superintendent, Bernadette DeBlander, Conservation Agent, Jay Hewitt, Building Inspector, Bridget Garrity, Parks and Recreation, Town Counsel, Kopelman & Paige, Jack Jacobi, Water District Attorney, Rob Bernardo, Water Superintendent, Ryan Trahan, Environmental Partners (for Water District)

Action on the motion: Motion passes with a unanimous vote.

ARTICLE 1:

Submitted by: Board of Selectmen

Board of Selectmen: No Recommendation

A motion was made that the Town vote to receive the reports of Town Officers, or Committees, and to place them on file with the Town Clerk. Three committees made reports to the body.

Anne Miller, Library Facilities Study Committee, Robert McIntock, Senior Center Building Committee, and Robert Richardson, Finance Committee.

Action on the motion: Motion passes with a unanimous vote.

Article # 2

To see what sums of money the Town will vote to raise and appropriate, or transfer from available funds or borrow for Operating Expenses and the Sanitation Enterprise Fund of the Town for the Fiscal Year commencing July 1, 2015 and ending June 30, 2016 as shown in the column entitled FinComm Recommended Budget 2016, or take any other action relative thereto.

Submitted by: Finance Committee

Motion: A proper motion would be, move that the Town appropriate the sum of \$47,226,408 to defray charges and expenses of the Town for Fiscal Year 2016 for the purposes and amounts set forth in Budget Schedules A through J in column titled FinComm Recommended Budget 2016:

The sum of \$36,223,863 to be raised by taxation within the levy limit under proposition 2 ½;

The sum of \$250,000 to be transferred from Free Cash

The sum of \$200,000 to be transferred from the Overlay Surplus

The sum of \$600,000 to be transferred from Ambulance Fees;

The sum of \$47,503 to be transferred from the Sanitation Enterprise Fund;

The sum of \$192,210 to be transferred from Dedicated Receipts

The sum of \$20,920 to be transferred from Septic Payback

Motion: A proper motion would be, move that the Town appropriate the sum of \$1,169,215 to defray charges and expenses of operating the Sanitation Enterprise Fund for the Fiscal Year 2016 for the purpose and amount set forth in Schedule K in the column titled FinComm Recommended Budget 2016;

The sum of \$1,094,215 to be provided from revenues of the Sanitation Enterprise Fund, \$75,000 to be appropriated from Retained Earnings, Sanitation Enterprise Fund.

Action on the motion: Motion passes with a unanimous vote.

Submitted by: Board of Selectmen
Board of Selectmen: Recommend Approval
Finance Committee: Recommendation at Town Meeting

ARTICLE 3: A motion was made to see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44, Section 53E1/2, to authorize and/or re-authorize the following revolving funds for the Fiscal Year beginning July 1, 2015 at to be credited with receipts from the following revenue sources, to be expended under the authority and direction of the following agencies or officials, for the following stated purposes, not to exceed the following spending limits or take any other action relative thereto:

Fund #	Name of Revolving Fund	Spending Authority	Revenue Source	Use of Funds	FY 2016 Spending Limit
1	Human Services Council Revolving Fund	Human Services Board of Directors	Usage Fees, Donations and other revenue	Human Services Programs	\$40,000
2	Conservation Commission Revolving Fund	Conservation Commission	Application and Permit Fees	Administration of Wetlands Protection Act	\$60,000
3	Trash Bag Revolving Fund	Department of Public Works	Sale of Solid Waste bags	Purchase of Solid Waste bags	\$65,000
4	Police Revolving Fund	Police Department	Processing Fees associated with employment of police officers	Recruit testing, promotional testing, staff development and associated costs	\$5,000
5	Recreation Revolving Fund	Parks and Recreation Commission	Usage Fees, permits, donations and other revenue	Direct program services and programs	\$45,000
6	Police Detail Revolving Fund	Police Department / Board of Selectmen	Usage Fees and other revenue directly related to use of marked police vehicles on road details	Replacement of Police Vehicles and Equipment	\$30,000 /Police \$60,000 /BOS
7	Library Printing & Copying Revolving Fund	Board of Library Trustees	Usage Fees and other revenue directly related to sale of printing and copying services	Replenish supplies for printing & copying services	\$5,000
8	Library Food & Beverage Revolving Fund	Board of Library Trustees	Usage Fees and other revenue directly related to sale of food and beverages	Replenish supplies for food and beverage sales	\$5,000
9	Food Inspection Revolving Fund	Board of Health	Usage Fees and other revenue directly related to after hour food inspections	After hour inspections of food establishments	\$5,000
10	Planning Board Revolving Fund	Planning Board	Usage Fees and other revenue directly related to recording at the Registry of Deeds	Recording at Registry of Deeds	\$5,000

11	Sharps Disposal Revolving Fund	Board of Health	Usage Fees and other revenue directly related to disposal of sharps	Replenish containers and disposal of waste	\$5,000
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Submitted by: Board of Selectmen
Board of Selectmen: Recommend Approval
Finance Committee: Recommend Approval

Action on the motion: Motion passes with a unanimous vote.

ARTICLE 4:

Submitted by: Board of Selectmen
Board of Selectmen: No Recommendation
Finance Committee: Recommend Approval

A motion was made that the Town vote to fix the salary and compensation for the following elected officials of the Town as provided by G.L. c. 41, s. 108 for their services for the fiscal year commencing July 1, 2015 as follows, provided that any such elected official may waive receipt of compensation.

<i>Board of Selectmen, Chairman</i>	<i>\$2,400</i>
<i>Board of Selectmen, Member</i>	<i>\$2,100</i>
<i>School Committee, Chairman</i>	<i>\$1,400</i>
<i>School Committee, Member</i>	<i>\$1,000</i>
<i>Board of Assessor, Chair</i>	<i>\$3,139</i>
<i>Board of Assessor, Member</i>	<i>\$2,789</i>
<i>Town Clerk</i>	<i>\$ 65,067</i>

Action on the motion: Motion passes with 218 approving and 7 abstentions.

ARTICLE 5:

Submitted by: Board of Selectmen
Board of Selectmen: Recommend Approval
Finance Committee: Recommend Approval

A motion was made that the Town vote to transfer the sum of \$10,000 from the Dog License Receipts Reserved account #23063000 to Dog License Receipts Appropriated account #23064000, to be expended by the Animal Control Department as provided by Town By-law

Action on the motion: Motion passes with a unanimous vote.

ARTICLE 6: To see if the Town will raise and appropriate, transfer from free cash or available funds in the treasury, or transfer from designated funds that have been reserved for appropriation the following sums to be expended for the purchase, equipping, lease, lease/purchase or continuing lease payments for departmental equipment or capital projects, or take any other action relative thereto:

A motion was made to amend article 6 by moving vi and vii from under Municipal Capital Stabilization Fund (vi,vii from original article on warrant numbering) to be numbered ix and x under Free Cash.

Action on the motion to amend passes with a unanimous vote.

A. From the Municipal Capital Stabilization Fund the following sums to be expended as follows:

- i. Year Two (2) of a seven (7) year lease/purchase of an aerial fire apparatus for the Fire Department to be expended under the direction of the Board of Selectmen \$106,852.00
- ii. Purchase and install a truck lift at DPW to be expended under the direction of the Board of Selectmen \$17,000.00
- iii. Purchase and install Cross Match fingerprint identification system for the Police Department to be expended under the direction of the Board of Selectmen \$20,000.00
- iv. Conduct a radio communications engineering, usage and feasibility study for the public safety communications system to be expended under the direction of the Board of Selectmen \$30,000.00
- v. Purchase and equip an administrative utility vehicle for the Fire Department to be expended under direction of the Board of Selectmen \$35,000.00
- vi. Year Two (2) of a four (4) year lease purchase of a heavy duty dump truck for the Department of Public Works to be expended under the direction of the Board of Selectmen \$42,257.00
- vii. Purchase and equip a pickup/utility truck with snowplow for the School Department to be expended under the direction of the School Committee \$45,000.00
- viii. Purchase and install standby emergency generator at the George Martin Elementary School to be expended under the direction of the School Department \$160,000.00

B. From Free Cash the following sum to be expended as follows:

- i. Purchase and replace student textbooks, to be expended under direction of the School Committee \$103,855.00
- ii. Purchase school library books, to be expended under direction of the School Committee \$24,000.00
- iii. Update Science Lab, Family and Consumer Science, and Special Education program furniture and equipment, to be expended under the direction of the School Committee \$20,701.00
- iv. Purchase and Install instructional computer hardware, to be expended under direction of the School Committee \$98,175.00
- v. Purchase and Install instructional computer software, to be expended under direction of the School Committee \$31,632.00
- vi. Purchase computer network contractual services, to be expended under direction of the School Committee \$20,000.00

- vii. Purchase and Install network computer hardware, to be expended under direction of the School Committee \$8,000.00
- viii. Purchase and Install school security camera equipment, to be expended under the direction of the School Committee \$8,500.00
- ix. Purchase and install copy machine/printer for the Department of Public Works to be expended under the direction of the Board of Selectmen \$5,000.00
- x. Purchase and replace firefighter turnout gear for the Fire department to be expended under the direction of the Board of Selectmen \$5,000.00

Submitted by: Board of Selectmen
Board of Selectmen: Recommend Approval
Finance Committee: Recommend Approval – Municipal Capital Stabilization Fund
Finance Committee: Recommendation at Town Meeting – Free Cash Appropriation

A motion was made that the Town vote to transfer from the Municipal Capital Stabilization Fund the following sums for the designated purposes:

Year Two (2) of seven (7) year lease/purchase of Aerial Fire Apparatus	\$106,852.00
Truck Lift to be installed at DPW	\$17,000.00
Fingerprint Identification System	\$20,000.00
Public Safety Radio Study	\$30,000.00
Fire Department Administrative Vehicle	\$35,000.00

Year Two (2) of four (4) year lease/purchase of Heavy Duty Dump Truck	\$42,257.00
School Department Pickup/Utility Vehicle	\$45,000.00
George Martin Elementary School emergency generator	\$160,000.00

With Items 1 thru 6 to be expended under the direction of the Board of Selectmen, and items 7 and 8 to be expended under the direction of the School Committee.

From Free Cash:

Textbooks	\$103,855.00
Library Books	\$24,000.00
Science, Family & Consumer Science, Special Education Furniture and Equipment	\$20,701.00
Computer Instructional Hardware	\$98,175.00
Computer Instructional Software	\$31,632.00
Network Contracted Services	\$20,000.00
Computer Network Hardware	\$10,000.00

<i>Computer Network Software</i>	<i>\$8,000.00</i>
<i>School Security Cameras</i>	<i>\$8,500.00</i>
<i>DPW Copy Machine</i>	<i>\$5000.00</i>
<i>Firefighter Turnout Gear</i>	<i>\$5000.00</i>

Items 1 thru 9 to be expended under direction of the School Committee and items 10 and 11 to be expended under the direction of the Board of Selectmen.

Action on the amended motion: motion passes with 223 approving and 2 disapproving.

Article 7: To see if the Town will vote to transfer from Free Cash, a sum of money for the purpose of balancing the Fiscal Year 2015 Budget, or take any other action relative thereto.

A motion was made to fund the collective bargaining contracts with \$37,781.41 from free cash.

Action on the motion: Motion passes with 224 approving and 1 disapproving.

Submitted by: Board of Selectmen
Board of Selectmen: Recommend Approval
Finance Committee: Recommendation at Town Meeting

ARTICLE 8:

Submitted by: Community Preservation Committee
Board of Selectmen: No Recommendation
Finance Committee: Recommend Approval

A motion was made that the Town vote to appropriate from the Community Preservation Fund estimated annual revenues the sum of \$17,700 for administrative expenses of the Community Preservation Act Committee for the fiscal year ending June 30, 2016; and further to reserve for future appropriation the following sums recommended by the Community Preservation Committee, with each item to be considered a separate reserve, from FY 2016 Community Preservation estimated revenue:

<i>Historic Resources Reserve</i>	<i>\$35,400</i>
<i>Community Housing Reserve</i>	<i>\$35,400</i>
<i>Open Space Reserve</i>	<i>\$35,400</i>
<i>Budgeted Reserve</i>	<i>\$160,000</i>

Action on the motion: Motion passes with 222 approving and 3 disapproving

ARTICLE 9:

Submitted by: Board of Selectmen
Board of Selectmen: Recommend Approval
Finance Committee: Recommend Approval

Action on the motion: Motion passes with a unanimous vote.

ARTICLE 10:

Submitted by: Board of Selectmen
Board of Selectmen: Recommend Approval
Finance Committee: Recommend Approval

A motion was made that the Town vote to authorize the Treasurer with the approval of the Board of Selectmen to borrow in anticipation of revenue for the Fiscal Year beginning July 1, 2015 in accordance with provisions of General Laws, Chapter 44, Section 4, and to renew any note or notes with the provisions of General Laws, Chapter 44, Section 17.

Action on the motion: Motion passes with 224 approving and 1 disapproving

ARTICLE 11:

Submitted by: Board of Selectmen
Board of Selectmen: Recommend Approval
Finance Committee: Recommend Approval

A motion was made that the Town vote to transfer from Free Cash the sum of \$32,865.82 to FY 2015 Town Meeting Line Item #68 (Snow and Ice Payroll) and \$182,667.88 to FY 2015 Town Meeting Line Item #69 (Snow & Ice Expense).

Action on the motion: Motion passes with a unanimous vote.

ARTICLE 12:

Submitted by: Finance Committee
Board of Selectmen: Does Not Recommend Approval
Finance Committee: Recommend Approval

A motion was made that the Town vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Home Rule Charter of the Town of Seekonk, Massachusetts, Article Seven – Financial Provisions and Procedures, Section 2 by deleting the following: “A Finance Committee of seven (7) members shall be appointed by the Town Moderator for three (3) year overlapping terms of office.” and inserting in place thereof: “A Finance Committee of five (5) members shall be appointed by the Town Moderator for three (3) year overlapping terms of office.”; and further to authorize the General Court to make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition

Action on the motion: Motion fails by a majority vote.

Article 13: A motion was made to indefinitely postpone article 13. Action on the motion to postpone passes with 224 approving and 1 abstention.

To see if the Town will vote transfer and appropriate the sum of \$45,000.00 from the undesignated Community Preservation Fund balance for the extension of the Seaconke Area Trails from Town Hall Trail to run along the Runnins River to Arcade Avenue, said sum to be spent under the direction of the Community Preservation Committee, or take any other action relative thereto.

Submitted by: Community Preservation Committee

Board of Selectmen: Recommend Approval

Finance Committee: Defer to Community Preservation Committee

Motion 13: *Moved that the Town transfer and appropriate the sum of \$45,000.00 from the undesignated Community Preservation Fund balance for the extension of the Seaconke Area Trails from Town Hall Trail to run along the Runnins River to Arcade Avenue, said appropriation to be spent under the direction of the Community Preservation Committee with the approval of the Board of Selectmen.*

Article 14:

Submitted by: Board of Selectmen

Board of Selectmen: Recommend Approval

Finance Committee: Recommend Approval

A motion was made that the Town authorize the Board of Selectmen to acquire an interest in the land located at 532 Arcade Avenue, in particular a right of first refusal from, and to sign an agreement with, the owners of such land, the Seekonk Columbus Corporation of 532 Arcade Avenue, or any other owner, for the said parcel of land, with buildings and other improvements thereon, and for such purposes, to raise and appropriate the sum of \$1.00 therefore.

Action on the motion: Motion passes with 223 approving, 1 disapproving and 1 abstention.

Article 15:

Submitted by: Fire Chief and Board of Selectmen

Board of Selectmen: Recommend Approval

Finance Committee: Recommend Approval

A motion was made that the Town appropriate from the Ambulance Receipts Reserved fund the sum of sixty-nine thousand (\$69,000.00) dollars for Monitor/Defibrillators for the fire department rescue vehicles.

Action on the motion: Motion passes with a unanimous vote.

Article 16:

Submitted by: Veteran Service Officer
Board of Selectmen: Recommend Approval
Finance Committee: Recommend Approval

A motion was made that the Town accept Clause 56 of Massachusetts General Laws, Chapter 59, Section 5, allowing members of the Massachusetts National Guard or military reservist who are on active duty to obtain a reduction of all or part of their real estate and personal property taxes for any fiscal year they are serving in a foreign country, to be effective beginning in fiscal year 2016.

Action on the motion: Motion passes with a unanimous vote.

Article 17:

A motion was made to see if the Town of Seekonk will support asking our state representatives to bring before Massachusetts State Legislature a vote, allowing Seekonk residents to select a nine member charter commission to study the Seekonk Town Charter for the purpose of making appropriate recommendations.

Action on the motion: Motion fails by a majority vote.

Submitted by: Voter Petition

Article 18:

A motion was made to see if the Town will vote to appropriate from Free Cash the amount of Fifty Thousand (\$50,000.00) for the purpose of beginning construction and other related services required to build the Seekonk Veterans Memorial Park located on the property at 410 Newman Avenue, Seekonk, MA

Action on the motion: Motion passes with a majority vote.

Submitted by: Voter Petition

Article 19:

A motion was made to amend the article to allow the Town Clerk along with the Town Administrator to address numbering issues to be consistent with town by-laws.

Motion to amend was passed with a majority vote.

Submitted by: Seekonk Water District

A motion was made that the Town amend the Aquifer Protection Bylaw, as last amended January 13, 1987, by striking same in its entirety and adopting the revised Water Resource Protection District Bylaw dated January 23, 2015, as on file in the offices of the Town Clerk, Planning Board, and the Seekonk Water District and distributed at this meeting.

Town of Seekonk
Proposed Zoning Amendment from the Seekonk Water District

6.4 WATER RESOURCE PROTECTION DISTRICT

6.4.1 *PURPOSE and INTENT*

- 6.4.1.1 To protect, preserve, and maintain the existing and potential wells, groundwater supply and groundwater recharge areas and aquifers within the Town of Seekonk, and adjoining cities and towns, so as to promote the health, safety, and general welfare of the community;
- 6.4.1.2 To ensure an adequate quality and quantity of drinking water for the residents, institutions and businesses of the Town of Seekonk;
- 6.4.1.3 To preserve and protect present and potential water resources;
- 6.4.1.4 To conserve the natural resources of the town;
- 6.4.1.5 To prevent blight and pollution of the environment.
- 6.4.1.6 To prevent temporary and permanent contamination of the environment.

6.4.2 *DEFINITION OF TERMS*

Aquifer: A geologic formation composed of rock, sand, or gravel, capable of yielding over eighty gallons per minute of potentially usable, or recoverable, amounts of water.

Groundwater: Water in the surface zone beneath the water table in which most or all pore spaces are filled with water.

Hazardous substance: Any hazardous substance or mixture of such physical, chemical, or infectious characteristics as to pose significant actual or potential hazard to water supplies, or to human or animal health, if such substance or mixture were discharged to land or waters of this town. These would include organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalies, and other products such as pesticides, herbicides, solvents, and thinners, as also defined by M.G.L., Chapter 21E and Chapter 111.

Impervious surface: Material above or on the surface of, or immediately occurring within 12" of the surface of, the ground that does not allow water to penetrate into the soil below.

Leachable wastes: Waste materials, be they directly relatable or by-products of surface or subsurface generators including solids, sewage, sludge, and agricultural wastes that are capable of releasing waterborne contaminants to the surrounding environment.

Mining of Land: Removal or relocation of geologic materials, including topsoil, for the purpose of extracting sand and gravel, metallic ores, or bedrock.

Recharge area: That area composed of permeable stratified sand and gravel, and certain wetlands that collect surface water and carry it to aquifers. Primary recharge area lies directly over the designated aquifer, and adjacent areas of strata, from which groundwater flows directly into the aquifer. Secondary recharge area lies adjacent to the primary area, and from which groundwater moves downgradient into the aquifer. Tertiary recharge area is the upstream drainage area of streams that traverse the primary and/or secondary recharge areas.

Septage: Sludge produced by domestic waste that is pumped from septic tanks.

Solid waste: Discarded solid material, decomposing or not, which may contain other liquid or gaseous materials, but with insufficient liquid content to be free flowing. This includes, but is not limited to, rubbish, garbage, scrap materials, junk, refuse, inert fill material.

Well: A water source owned and operated by the Seekonk Water District.

6.4.3 *DEFINITION OF THE WATER RESOURCE PROTECTION DISTRICT*

The Water Resource Protection District (hereinafter called "WRPD" in this section) shall be considered as overlying other zoning districts established by these Zoning By-Laws, as it may be revised from time to time. Uses prohibited in the underlying zoning district shall not be permitted in the WRPD.

6.4.3.1 The WRPD is shown on a map entitled Seekonk Water District, Water Resource Protection District Area, Seekonk, MA, prepared by Environmental Partners Group, Inc., dated June 11, 2015. The WRPD district consists of areas comprising the following elements, which also lie within said WRPD::

1. **WRPD Well Protection Zone (WPZ):** The protective radius required around a public water supply well or wellfield. For public water system wells with approved yields of 100,000 gpd or greater, the protective radius is 400 feet. In no case shall WRPD WPZ radius be less than 100 feet. The WRPD WPZ is Zone I as defined in 310 CMR 22.00.
2. **WRPD Groundwater Protection Zone (GPZ):** The groundwater capture zone of average-day water withdrawals.
3. **WRPD Aquifer Protection Zone (APZ):** The area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at approved yield with no recharge from precipitation) as defined in 310 CMR 22.00. The WRPD APZ is Zone II as defined in 310 CMR 22.00. For the purposes of this By-Law, WRPD APZ also includes Interim where a definitive Zone II has not been approved

by DEP and Wellhead Protection Area as defined by 310 CMR 22.00. All land located in the WRPD APZ is subject to 310 CMR 22.21(2).

6.4.3.2 The WRPD shall also include the entire length of shorelines(s), to the seasonal high water line(s), plus an additional twenty (20) horizontal feet, of any stream or river, or other body of water, flowing into said WRPD.

6.4.3.3 The WRPD has been superimposed onto a map, which is hereby made a permanent part of this By-Law, and may be amended from time to time by a vote of Town Meeting, in accordance with Chapter 40A of the Massachusetts General Laws.

6.4.4 *USES REGULATED*

The following shall apply within the boundaries of the WRPD.

6.4.4.1 *WRPD WELL PROTECTION ZONE (WPZ) USE REGULATIONS:*

Public water supply uses are permitted in WRPD WPZ as defined in 310 Code of Massachusetts Regulations 22.00, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained. No other uses are allowed in this Zone.

6.4.4.2 *WRPD GROUNDWATER PROTECTION ZONE (GPZ) USE REGULATIONS:*

1. *WRPD GPZ -PERMITTED USES:* The following uses are permitted within WRPD GPZ, provided that all necessary permits, orders or approvals required by local, state or federal law are also obtained:

a. Any use allowed in the underlying zoning districts, except those specifically prohibited in 6.4.4.2 (2) below.

2. *WRPD GPZ – PROHIBITED USES:* The following uses are prohibited in WRPD GPZ:

a. Any use prohibited in the underlying zoning districts.

b. All uses prohibited in 6.4.4.3 below

c. Parking and/or storage of transport vehicles for fuel, including, but not limited to oil, coal and gas.

d. Parking and/or storage of transport vehicles for toxic and/or hazardous substance.

e. Any use which uses, generates or stores, including racking for resale, toxic or hazardous substances, totaling at any one time

more than 50 gallons liquid volume or 25 pounds dry weight.

6.4.4.2.1

OTHER REQUIREMENTS:

- a.. Lot Coverage. Unless the applicant demonstrates that all runoff is recharged on site, no more than 15% or 2,500 square feet, whichever is greater, of the total area of any lot shall be rendered impervious by the installation of buildings, structures and paved surfaces. If all recharge is disposed of on site, no more than 20% of the total upland area of any lot shall be made impervious by the installation of buildings, structures, and paved surfaces.
- b. Site Clearing. A minimum of 30% of the total upland area of any lot shall be retained in its natural state. This shall not prevent the removal of dead, diseased or damaged trees.

6.4.4.3 *WRPD AQUIFER PROTECTION ZONE (APZ) USE REGULATIONS:*

1. *WRPD APZ- PERMITTED USES:* The following uses are permitted within WRPD APZ, provided that all necessary permits, orders or approvals required by local, state or federal law are also obtained:
 - a. Conservation of soil, water, plants, and wildlife.
 - b. Foot, bicycle, and/or horse paths and bridges.
 - c. Outdoor recreation, nature study, fishing, and hunting where otherwise legally permitted.
 - d. Normal operation and maintenance of existing water bodies and dams, splash boards and other water control, supply and conservation devices.
 - e. Maintenance, repair and reconstruction of any existing structure, except uses subject to Section 6.4.4.3.2 (Prohibited Uses) or Section 6.4.4.3.3 (Special Permit Uses).
 - f. Residential structure(s) intended for human occupancy, and out-buildings in existence prior to the effective date of these By-laws, and existing businesses and industrial facilities and structures within the aquifer protection district that would not be allowed under this By-law, become legal nonconforming, but are subject to inspection by the Board of Health to insure they are in compliance with current federal, state, and local regulations pertaining to storage, use, and/or disposal of solid waste, hazardous substances and septage. These facilities and structures may be repaired or reconstructed to the original proportions after a fire or other casualty, provided that the intent of this section or other sections of these By-

laws are not violated, and provided further that this paragraph excepts uses subject to Section 6.4.4.3.2 (Prohibited Uses) or Section 6.4.4.3.3 (Special Permit Uses).

- g. Farming, gardening, nursery, conservation, forestry, harvesting, and grazing, except uses subject to Section 6.4.4.3.2 (Prohibited Uses) or Section 6.4.4.3.3 (Special Permit Uses).
- h. Construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels. Underground storage tanks related to these activities are not categorically permitted.
- i.i. Safe storage of petroleum products or other legally permissible discharges above ground that assures containment of potential spills within a freestanding container or above ground tank either of which must be on an impervious surface within buildings it will heat.
- j. Any use permitted in the underlying zone except for those uses specifically prohibited in Sections 9.4.4.3.2 and 9.4.4.3.3 of this By-law.

2. *WRPD APZ PROHIBITED USES* The following uses are prohibited in WRPD APZ:

- a. Landfills and open dumps as defined in 310 CMR 19.006 *Solid Waste Management* and disposal of solid wastes as defined herein.
- b. Landfills receiving wastewater residuals and/or septage (wastewater residuals "monofills") pursuant to MGL c.21 §26-53 *Hazardous Waste*; MGL c.111§17 *Public Health*; and, MGL c.83 §6-7 *Sewers, Drains and Sidewalks* and regulations promulgated thereunder.
- c. The removal of soil, loam, sand, gravel, or any other mineral substance to within four (4') feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, or by Title V Soil Evaluation, defined by 310 CMR 15.00, unless the substances removed are redeposited within 45 days of removal on site to achieve a final grading greater than four feet above the historical high water mark, and except for excavations necessary for the construction of building foundations or the installation of utility works, or wetlands restoration work conducted in accordance with a valid Order

of Condition issued pursuant to M.G.L. c. 131, § 40.

- d. Facilities that generate, treat, store, or dispose of hazardous waste subject to MGL 21C and 310 CMR 30.000 *Hazardous Waste Regulations*, as amended, except for:
 - i. very small quantity generators as defined under 310 CMR 30.000 -*Hazardous Waste Regulations*;
 - ii. household hazardous waste centers and events under 310 CMR 30.390 – *Hazardous Waste Regulations*;
 - iii. waste oil retention facilities required by MGL c.21, §52A-*Hazardous Waste*;
 - iv. water remediation treatment works approved by the DEP in accordance with 314 CMR 5.0- *Ground Water Discharge Permits* for treatment of contaminated ground or surface waters.
- e. Automobile graveyards, junkyards, and salvage yards, as defined in MGL c. 140B, §1 – *Control of Certain Junkyards*.
- f. Stockpiling and disposal of snow or ice removed from highway and streets and parking areas outside of WRPD APZ that contains sodium chloride, chemically treated abrasives or other chemical used for snow and ice removal.
- g. Individual sewage disposal systems that are designed in accordance with 310 CMR 15.00 to receive more than 110 gallons of sewage per quarter acre under one ownership per day, or 440 gallons of sewage on any one acre under one ownership per day, whichever is greater, except the replacement or repair of an existing system that will not result in an increase in design capacity above the original design.
- h. Petroleum, fuel oil and heating oil bulk stations, and terminals, including but not limited to, those listed under Standard Industrial Classification Codes 5171 (not including liquefied petroleum gas) and 5983.
- i. . Any floor drainage systems in existing facilities, in industrial or commercial hazardous material and/or hazardous waste process areas or storage areas, which discharge to the ground without a DEP permit or authorization. Any existing facility with such drainage system shall be required to either seal the floor drain (in accordance with the state plumbing code, 248 CMR 10.00), connect the drain to a municipal sewer system (with all appropriate permits and pre-treatment), or connect the drain to a holding tank meeting the requirements of all appropriate

DEP regulations and policies.

6.4.4.3.2.1 All lots in WRPD APZ shall have an area not less than 60,000 square feet.

6.4.4.3. 3.WRPD APZ – SPECIAL PERMIT USES – Except as specified in Sections 6.4.4.3.1 and 6.4.4.3.2, those principal and accessory uses authorized in the underlying district are permitted in WRPD APZ upon issuance of a Special Permit by the Special Permit Granting Authority

(SPGA). The following uses and activities are prohibited in WRPD APZ, but may be allowed only upon the issuance of a Special Permit by the SPGA in conformance with the requirements stated below and under such other conditions as the SPGA may require:

- a. Enlargement or alteration of existing uses and structures that do not conform to the WRPD provided the enlargement or alteration of all uses and structures with the exception of single and two family uses and structures does not increase the non-conformity or create a new non conformity. Enlargement of existing structures shall not be permitted by a Special Permit if a variance from Title V of the State Sanitary Code is necessary.
- b. Storage of sludge and septage, as defined by 310 CMR 32.05 – *Land Application of Sludge and Sewage*, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR32.31.
- c. Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
- d. Storage of animal manure, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff and leachate.
- e. Storage of commercial fertilizers, as defined in MGL c.128, §64 – *Agriculture*, unless such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate.
- f. Storage of liquid hazardous materials, as defined in MGL c.21E, or storage of liquid petroleum products except that specified in 6.4.4.3.1(i) above, unless such storage is above ground level and on an impervious surface; and either in:
 - i. a free standing container or above ground tank(s) within a building, or
 - ii. outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater.

- g. Treatment or disposal works subject to 310 CMR 5.00 – *Groundwater Discharge Permits* for wastewater other than sanitary sewage. This prohibition includes, but is not limited to, treatment or disposal works related to activities under Standard Industrial Classification (SIC) codes set forth in 314 CMR 15.004(6) (Title V). The following uses only may be permitted with the issuance of a Special Permit from the SPGA:
 - i. The replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s);
 - ii. Treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater or surface water and operated in compliance with 314 CMR 5.05(3) or 5.05(13);
 - iii. Publically owned treatment works.
- h. Automobile service and repair shops including those accessory to new and used car dealerships.
- i. Any building, structure, excavation or other land disturbing activities within one hundred (100) feet of a "fresh water wetland" as defined by MGL c.131, §40 Massachusetts Wetland Protection Act, or as a "wetland" as defined by 33 CFR 328.3 and 40 CFR 230.3, the regulations promulgated under Section 404 of the Federal Clean Water Act, except however, buildings, structures, excavation or other land disturbing activities that are necessary for:
 - i. Limited projects as defined by 310 CMR 10.53(3);
 - ii. Creation of wetland replacement or flood storage mitigation;
 - iii. Installation of drainage structures such as detention/retention basins, berms, water quality swales, where no practical alternative is available, and disturbs less than 15% of the 100 foot area;
 - iv. Maintenance and construction of trails, creation of public parks or resource improvement projects such as the cleaning of streams;

- v. A primary use or use necessary but incidental thereto, provided that the majority of the disturbed area is located outside of the 100' area and there are no reasonable alternative and disturbs less than 15% of the 100' area within that portion of any lot may be permitted upon issuance of a Special Permit by the SPGA which shall consider the report and recommendations of the Board of Health, Planning Board, Conservation Commission, and Seekonk Water District. Such Special Permit may be conditional upon safeguards and requirements to protect water resources, health, safety and welfare, and shall be in compliance with the provisions of Section "j" below. No part of a subsurface sewerage disposal system shall be located within one hundred (100) feet of any wetland as defined herein. There shall be no building, structure or land disturbing activity within twenty-five (25) feet of the wetland as defined herein except that necessary for the following with the issuance of a Special Permit by the SPGA;
- vi. Limited projects as defined by 310 CMR 10.53(3);
- vii. Creation of wetland replacement or flood storage mitigation;
- viii. Installation of drainage outfalls or outlet swales where no alternative is feasible due to elevation or hydraulic connection but not including primary drainage structures such as detention/retention basins, berms, water quality swales, etc.;
- ix. Maintenance and construction of trails, creation of public parks or resource improvement projects such as the cleaning of streams.
- j. Any use that will render impervious more than 15% but not more than 25% of any lot provided that a system for groundwater recharge is provided to recharge the amount of water that was naturally recharged prior to development from the land area made impervious greater than 15% and which does not degrade groundwater quality. Predevelopment runoff rates from a lot shall not exceed post-development runoff rates for storms up to and including the 100 year storm. Except for single or two (2)

family residential uses, all parking areas shall be impervious and be equipped with oil, grease, and sediment traps to facilitate removal of contamination and these devices shall precede any infiltration structures or drainage outfalls. Stormwater from parking areas required to be recharged shall be via infiltration basins or similar systems covered with natural vegetation and dry wells/leaching structures shall be used only where other methods are not feasible. The owner shall permanently maintain any and all recharge areas in full working order. Not less than 50% of any lot area shall be maintained as a Natural Vegetation Area.

6.4.4.4 *SPLIT LOTS and DETERMINATION OF APPLICABILITY*

1. Where the boundary line of the WRPD divides a lot or parcel, the requirements established by this By-Law shall apply to the entire lot or parcel. The boundary line shall be shown on a site plan as required by this By Law or through Site Plan Review and shall be acceptable to the reviewing authority in accordance with all applicable provisions of the Zoning By-Law and any associated Rules and Regulations;
2. The burden of proof shall be on the applicant to demonstrate, through the use of site plans, that development activity outside of the boundary shall not be connected to land within the boundary through post-development grading, storm water infrastructure, wastewater infrastructure or other potential connections that could lead to the contamination of groundwater within the WRPD. Where development practices create a hydrologic connection across the WRPD boundary, the applicant shall demonstrate that any water moving into or away from the WRPD is accounted for in any of the required pollutant loading calculations and meets all of the standards associated with the WRPD. Where there are boundary disputes, the Town may engage a professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundaries with respect to a particular parcel(s) of land, and may charge the owner for the cost of investigation. Where a Special Permit may be required, the Zoning Board of Appeals may impose such conditions as are reasonably required to ensure that these standards are met.

- 9.4.5 *SPECIAL PERMITS and PROCEDURE*- After public notice and public hearing, and after due consideration of any reports and recommendations of other boards or agents, the Zoning Board of Appeals may grant a Special Permit provided that the application is submitted in accordance with Sections 6.4.5.1 and 6.4.5.2; and the proposed vote or work meets the standards provided for in 6.4.5.3 and 6.4.5.4.

6.4.5.1 Upon receipt of the application, including plans, related information and calculations, the SPGA shall transmit one copy of all submitted materials to the Water District, Planning Board, Health Department, Building Department, Conservation Commission, and Department of Public Works for their written recommendations. Boards, Commissions, the Water District and Departments shall have 30 days to comment to the SPGA.

6.4.5.2 Where applicable, the following information shall be submitted with every application for a Special Permit:

- a. Site plan prepared specifically for a WRPD Special Permit stamped by both a Registered Land Surveyor and a Professional Engineer including but not limited to: existing and proposed topography, the extent of impervious areas, extent and area of natural vegetated areas, existing and proposed drainage facilities, layout and design of sewerage disposal facilities;
- b. Pre- and post-development drainage calculations for surface runoff and groundwater recharge, including calculations for all drainage designs;
- c. Location of and distance to the public supply wells affected by the subject site;
- d. Soil characteristics underlying the site and within the area between the site and the public supply wells;
- e. Provisions and conditions designed to prevent and correct conditions detrimental to public and private water supply, health, safety and welfare;
- f. A stormwater management plan as outlined by DEP Stormwater Management Standards and any additional requirements of the Town of Seekonk;
- g. A plan with calculations for any spill containment structures required herein;
- h. Evidence adequate to demonstrate that the project in no way, during construction or thereafter, will adversely affect the existing or potential quality or quantity of water that is available in the WRPD or otherwise impact the water resources of the Town;
- i. Evidence that the project has been designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site;

- j. Methods to prevent against loss of recharge such as preservation of ground cover, infiltration of pollution, alternative runoff, minimization of laws, making area of natural vegetative areas;
- k. The SPGA may require additional information including but not limited to calculations, on-site testing, groundwater monitoring, groundwater modeling, etc., necessary to evaluate impacts from the proposed project.

6.4.5.3 The SPGA shall not grant a Special Permit under this section unless the application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to show compliance with the requirements, purpose and intent of this By-Law and information to support positive findings in relation to the standards given in this section.

6.4.5.4 After notice and public hearings, and after due consideration of the reports and recommendations to the Town boards/departments, the SPGA may grant such a Special Permit provided that the proposed use meets the standards specified in this By-Law, and any regulations or guidelines adopted by the SPGA and provided that the SPGA finds that the proposed use:

- a. Is in harmony with the purpose and intent of the WRPD By-Law and will promote the purposes of this WRPD.
- b. Will not adversely affect an existing water supply.
- c. Is consistent with the Town's water supply needs, as expressed by the Seekonk Water District Board.
- d. Is appropriate to the natural topography, soils and other characteristics of the site to be developed.
- e. Will not, during construction or thereafter, have an adverse environmental impact on the aquifer, recharge areas or water resources of the Town.

6.4.6 *PERFORMANCE and DESIGN STANDARDS FOR ALL ACTIVITIES*

Where applicable, the following performance and design standards shall apply to any activity that may be allowed by-right or through a Special Permit in the WRPD.

6.4.6.1 *CONSTRUCTION ACTIVITIES*

Erosion and sediment control measures shall be taken to ensure that exposed earth and debris are not displaced by stormwater runoff or other conditions in accordance with the requirements for Site Plan Review or the Rules and Regulations associated with a WRPD Special Permit.

6.4.6.2 *SAFEGUARDS*

Provision shall be made to adequately protect against toxic or hazardous substance discharge or loss through corrosion, accidental damage, spillage, or vandalism. Such measures may include provision for spill control in the vicinity of chemical or fuel delivery points, secure storage areas for toxic or hazardous materials, and indoor or outdoor storage for liquid petroleum products shall be in covered and secure container(s) in an area that has a containment system. Said containment system shall be designed and operated to hold the larger of the following two volumes:

- a. 10% of the cumulative storage capacity of all containers; or
- b. 110% of the single largest container's storage capacity.

6.4.6.3 *PESTICIDES, FERTILIZER and MANURE*

Storage of pesticides, as defined in M.G.L. c. 132B, of commercial fertilizers and soil conditioners, as defined in M.G.L. c.128, §64, and animal manure shall only be permitted within a structure with an impermeable cover and liner designed to prevent the generation of contaminated runoff or leachate.

6.4.6.4 *DISPOSABLE of Hazardous Wastes*

No disposal of Hazardous Wastes within the WRPD shall occur except for the following:

- a. very small quantity generators, as defined by 310 CMR 30.00;
- b. household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390;
- c. waste oil retention facilities required by M.G.L. c. 21, § 52A; and
- d. and treatment works approved by the Department designed in accordance with 14 CMR 5.00 for the treatment of contaminated ground or surface waters.

6.4.6.5 *FILL*

Fill material used in the WRPD shall contain no solid waste, toxic or hazardous materials, or Hazardous Waste. Adequate documentation shall be provided to ensure proper condition of the fill. Where a Special Permit is required, the SPGA may require soils testing by a certified laboratory at the applicant's expense as part of the application process or during

construction.

6.4.6.6 *SEPARATION FROM GROUNDWATER*

Permanent removal, or regrading of the existing soil cover shall be prohibited where these activities shall result in a finished grade elevation less than four (4) feet above the historical high groundwater level.

- a. Excavations for: 1) building foundations; 2) roads or utility work; or 3) the installation of Stormwater BMPs shall be exempt from this requirement.
- b. The high groundwater elevation may be determined by:
 - i. Soil color using the Munsell system, the abundance, size and contrast of redoximorphic features, if present;
 - ii. Observation of actual water table during times of annual high water table; or
 - iii. Use of USGS wells for correlating comparisons in water tables during times when the water table is not at the annual high range.
- c. Groundwater elevations depicted on plans shall be stamped by a Massachusetts Registered Professional Engineer.
- d. Where these requirements would severely limit the development potential of a particular parcel, an applicant may apply for permanent removal or regrading of the existing soil cover to a finished grade which is less than four (4) feet above the historical high groundwater elevation through a WRPD Special Permit application.

6.4.6.7 *STORMWATER MANAGEMENT*

Stormwater runoff from impervious surfaces shall be recharged on-site in accordance with the standards and guidelines included in the latest version of the Massachusetts Stormwater Management Standards unless in conducting an application review it is determined that either recharge is not feasible because of site conditions or is undesirable because of uncontrollable risks to water quality from such recharge.

6.4.7 PERFORMANCE and DESIGN STANDARDS FOR SPECIAL PERMIT APPLICATIONS

In addition to those performance and design standards listed in Section 9.4.6, the following performance and design standards shall apply to any activity that may be allowed through a Special Permit in the WRPD as applicable.

6.4.7.1 NITROGEN LOADING

All applicants required to obtain a Special Permit, and all applicants for any permit for any use or structure to be located on land which is within the WRPD and which is shown on a definitive subdivision plan, filed on or after January 1, 2015, shall demonstrate by written report to the satisfaction of the SPGA that the concentration of nitrate or nitrogen resulting from wastewater disposal, animal waste, runoff and fertilizer application, when diluted by rainwater recharge on the lot or subject property as a whole, shall not exceed five (5) milligrams per liter (mg/L). Nitrogen loading, for the purpose of this requirement, shall be calculated in accordance with generally accepted engineering standards.

6.4.7.2 EMERGENCY RESPONSE PLAN (ERP)

For industrial and commercial uses, an emergency response plan to prevent contamination of soil or water in the event of accidental spills or the release of toxic or hazardous materials shall be submitted to the SPGA, if deemed necessary by the SPGA, for approval prior to granting of a Special Permit. Recommendations from the Fire Department, Conservation Commission, Board of Health and the Seekonk Water District on said plan shall be sought. At a minimum, the ERP shall include:

- a. 24-hour contact information for a designated emergency response coordinator (typically the owner or facility manager), who can respond to the site within one hour of notification;
- b. 24-hour emergency contact information for the facilities designated hazardous waste transporter, if the facility is a licensed hazardous waste or regulated waste generator;
- c. A list of the hazardous products or hazardous wastes present at the facility, including volume and location of any aboveground or underground storage containers;
- d. A facility map showing hazardous waste accumulation areas, aboveground or underground storage containers, sinks and drains, emergency exits, fire extinguisher locations, and locations of spill

clean-up supplies. The facility map shall be posted in the building and shall include emergency contact numbers.

6.4.7.3 *MONITORING*

Periodic monitoring shall be required when the site location and land use activities in the area indicate a significant risk of contamination to the water supply as determined by the SPGA based upon recommendation of the Department of Public Works, Board of Health, Conservation Commission, and Water District. Such monitoring may include analysis of water for chemical constituents determined by the SPGA to be appropriate and the installation of groundwater monitoring wells constructed and located by a registered professional engineer with expertise in hydrology, or by directly testing effluent. All testing and engineering costs shall be borne by the applicant for Special Permit.

6.4.7.4 *WASTEWATER FLOWS THAT EXCEED 2,000 gpd*

For those uses that require a Special Permit where a previously developed site is being redeveloped, applicants shall demonstrate that there is no net increase in the concentration of nitrogen when nitrogen loading analyses are performed for both the previous and proposed use.

6.4.8 *ADMINISTRATIVE PROCEDURES*

The Zoning Board of Appeals as the SPGA, may adopt Rules and Regulations relative to its role in governing activities within the WRPD, which may be amended from time to time and filed with the Town Clerk. Where a Special Permit application is being considered, the Board shall follow the procedural requirements for Special Permits as set forth in M.G.L. Chapter 40A, Section 9.

6.4.9 *ADMINISTRATION*

This By-Law shall be administered by the Inspector of Buildings as follows:

- 6.4.9.1 Review proposed development within this WRPD to assure that all necessary permits have been received from all governmental agencies from which approval is required by local, state, and federal laws, prior to issuing a certificate of occupancy.
- 6.4.9.2 The development of each lot within this WRPD shall conform to the area, yard, and other regulations of the underlying zone, the more restrictive being applied. Where this section conflicts with the intent, purpose, or administration of other sections of these By Laws, in particular Section 9.2, Wetland and Floodplains, the more restrictive regulation shall apply.

- 6.4.9.3 Submittal requirements of a site plan shall, at a minimum, be in accordance with Section 9.2.4.1 of these By-Laws, and Subdivision Rules and Regulations, when necessary.
- 6.4.9.4 Severability. If any provision of this By-law is held invalid by a court of competent jurisdiction, the remainder of the By-law shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this By-law shall not affect the validity of the remainder of the By-law.

Action on the motion: Motion passes with 211 approving, 13 disapproving and 1 abstention.

Motion was made to dissolve the meeting at 10:00 PM. Motion to dissolve the meeting passes with a unanimous vote.

And you are hereby directed to serve this Warrant by posting attested copies as required by law and vote of the Town.
Hereof fail not and make return of the Warrant with your doings thereon to the Town Clerk at or before the time of said Meeting.

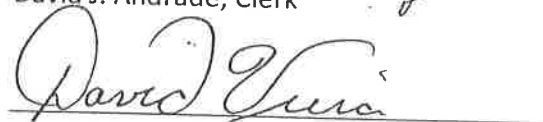
GIVEN UNDER OUR HANDS ON THIS 20th the DAY OF May 2015.

Seekonk Board of Selectmen


David S. Parker, Chairperson


Nelson Almeida, Vice Chairperson


David J. Andrade, Clerk


David F. Viera, Member


Michael H. Brady, Member

A True Copy Attest:


Constable

Date: 5/20/15